

defendant placed on probation for 3 years. (F. D. C. No. 28133. Sample Nos. 55430-K, 55432-K, 55435-K.)

INFORMATION FILED: April 25, 1950, District of Nebraska, against Walter R. Sarratt, trading as the North Side Drug Store, North Platte, Nebr.

INTERSTATE SHIPMENT: From the State of Indiana into the State of Nebraska, of quantities of *sulfadiazine tablets*, *Seconal Sodium capsules*, and *apiol and ergot compound capsules*.

ALLEGED VIOLATION: On or about June 13, 14, and 15, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendant caused a number of the tablets and capsules to be repackaged and sold without a prescription, which acts of the defendant resulted in the repackaged drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1) and (2), the repackaged drugs failed to bear labels containing the name and place of business of the manufacturer, packer, or distributor, and statements of the quantity of the contents.

Further misbranding, Section 502 (d), the *Seconal Sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been designated by regulations as habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (e) (1), the repackaged *sulfadiazine tablets* failed to bear a label containing the common or usual name of the article; and, Section 502 (e) (2), the repackaged *apiol and ergot compound capsules* failed to bear labels containing the common or usual name of each active ingredient, namely, *apiol*, oil of tansy, *ergot*, and *aloin*.

Further misbranding, Section 502 (f) (1), the repackaged *Seconal Sodium capsules* and *apiol and ergot compound capsules* bore no labeling containing directions for use; and, Section 502 (f) (2), the repackaged *sulfadiazine tablets* bore no labeling containing adequate warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: June 27, 1950. A plea of nolo contendere having been entered, the court imposed a fine of \$300, plus costs, against the defendant and placed him on probation for 3 years.

3166. Misbranding of pentobarbital sodium capsules, Dexedrine Sulfate tablets, and sulfonamides triplex tablets. U. S. v. Harry W. Schaum Drug Co., Harry W. Schaum, and Howard H. W. Schulze. Plea of guilty for company and pleas of nolo contendere for individual defendants. Fine of \$1,000 against company; sentences against individual defendants suspended and these defendants placed on probation for 1 year. (F. D. C. No. 29121. Sample Nos. 60922-K, 60924-K, 60926-K, 60930-K to 60932-K, incl., 60959-K, 60975-K.)

INFORMATION FILED: May 23, 1950, Eastern District of Missouri, against the Harry W. Schaum Drug Co., a partnership, St. Louis, Mo., and Harry W. Schaum and Howard H. W. Schulze, partners and pharmacists.

INTERSTATE SHIPMENT: From the States of Illinois, Pennsylvania, and Indiana, into the State of Missouri, of quantities of *pentobarbital sodium capsules*, *Dexedrine Sulfate tablets*, and *sulfonamides triplex tablets*.

ALLEGED VIOLATION: On or about July 7, 21, and 25, and August 21 and 24, 1949, while a number of the above-mentioned capsules and tablets were being held for sale at the Harry W. Schaum Drug Co. after shipment in interstate commerce, various quantities of the capsules and tablets were repacked and sold without a prescription, which acts resulted in the repackaged tablets and capsules being misbranded.

The Harry W. Schaum Drug Co. was charged with causing the acts of repacking and sale of the drugs involved in each of the eight counts of the information; and, in addition, Harry W. Schaum, in four of the counts, and Howard H. W. Schulze, in the four other counts of the information, were charged with causing such acts to be done in connection with the drugs involved in those counts.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), a portion of the *sulfonamides triplex tablets* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing statements of the quantity of the contents.

Further misbranding, Section 502 (d), the *pentobarbital sodium capsules* contained a chemical derivative of barbituric acid, which derivative has been found to be, and by regulations designated as, habit forming; and the labels of the repackaged capsules failed to bear the name, and quantity or proportion of such derivative and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), the repackaged drugs, with the exception of the *sulfonamides triplex tablets*, failed to bear labeling containing adequate directions for use since the directions for use "One at bedtime," borne on the labeling of the *pentobarbital sodium capsules*, were not adequate directions for use, and since the *Dexedrine Sulfate tablets* bore no labeling containing directions for use; and, Section 502 (f) (2), the labeling of the *sulfonamides triplex tablets* bore no warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods of duration of administration.

DISPOSITION: June 12, 1950. A plea of guilty was entered on behalf of the company, and a plea of nolo contendere was entered on behalf of each individual defendant. The court, thereupon, imposed a fine of \$1,000 against the company, suspended the imposition of sentences against the individual defendants, and placed the individuals on probation for 1 year.

3167. Misbranding of sulfadiazine tablets, Seconal Sodium capsules, Dexedrine Sulfate tablets, and Ergoapiol with Savin capsules. U. S. v. Leroy M. Clayton (Jack Clayton Drug Store), and Paul E. Calmes. Pleas of guilty. File of \$200 against defendant Clayton and \$25 against defendant Calmes. (F. D. C. No. 29117. Sample Nos. 55801-K to 55808-K, incl.)

INFORMATION FILED: June 5, 1950, Western District of Oklahoma, against Leroy M. Clayton, trading as the Jack Clayton Drug Store, Clinton, Okla., and against Paul E. Calmes, pharmacist.

INTERSTATE SHIPMENT: From the States of Indiana, New York, and Pennsylvania, into the State of Oklahoma, of quantities of *sulfadiazine tablets*, *Seconal Sodium capsules*, *Ergoapiol with Savin capsules*, and *Dexedrine Sulfate tablets*.